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Merck & Co., Inc. P.O. Box 2000 Rahway, NJ 07065 Patent Department

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TODAY'S DATE: September 23, 2005

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Examiners Name:

USPTO Fax Number: <u>571-273-0459</u>

Group Number:

#### THIS MESSAGE IS FROM:

Name: Kenneth R. Walton

Menaled Set Oliver Phone No.: (732) 594-2712 Mail Location: RY60-30

Fax No.: (732) 594-4720

Serial No..: 10/526,280 RE:

Filing Date: March 1, 2005

Attorney Docket No.: 21161YP

Comments:

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PTO/SB/97 (09-04)

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#### **PATENT**

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Wai

Serial No.: 10/526,280 Art Unit:

1615

Docket No.: 21161YP

Filed:

March 1, 2005

For:

8-HYDROXY-1-OXO-

TETRAHYDROPYRROLOPYRAZINE COMPOUNDS

USEFUL AS HIV INTEGRASE INHIBITORS

Examiner:

Not Yet Assigned

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

# REQUEST FOR CORRECTED FILING RECEIPT AND CORRECTED NOTICE OF ACCEPTANCE

Sir:

The filing receipt and the notice of acceptance under 35 U.S.C. 371 mailed September 14, 2005 erroneously indicate that the applicant has asserted small entity status. As may be seen by reference to the enclosed copy of the transmittal letter for the filing of this application, applicant has not asserted small entity status and has in fact paid the fees required for other than a small entity.

A corrected filing receipt and corrected notice of acceptance are requested. Copies of the filing receipt and notice of acceptance with the requested changes noted thereon are enclosed. Since this request is not the result of an error by the applicant, no fee is believed to be due.

Respectfully submitted,

Date: September 23, 2005

By

Kenneth R. Walton, Reg. No. 32,951

Attorney for Applicants

**Enclosures** 

MERCK & CO., INC. P.O. Box 2000

Rahway, New Jersey 07065-0907

(732) 594-3462

SEI	P. 23. 2005m 2:37 PMo2-2005 Approved for use through 3/51/2007.	o MERCK&CO 732 594 4720	ected Office(DC 'IS)Concerning a SubmissiNO. 6225 U.S.C. P.								
•		ENT AND TRADEMARK OFFICE DEPARTMENT OF COMMERCE	ATTORNEY'S DOCKET NUMBER 21161YP								
Ι	ESIGNATED/ELECTI	TO THE UNITED STATES ED OFFICE (DO/EO/US) IG UNDER 35 U.S.C. 371	U.S. APPLICATION NO. (If known, see 37 CFR 1.5)								
INTERN	ATIONAL APPLICATION NO.	INTERNATIONAL FILING DATE	PRIORITY DATE CLAIMED								
PCT/U	\$2003/028363	10 September 2003	11 September 2003								
8-HYD INHIBI	TORS	OPYRROLOPYRAZINE COMPOUN	NDS USEFUL AS HIV INTEGRASE								
	ANT(S) FOR DO/EO/US & Co., Inc.										
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:											
1.	This is a FIRST submission	of items concerning a filing under 35 T	J.S.C. 371.								
2.	This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371.										
3.	This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (21) indicated below.										
4.	The US has been elected (Po	CT Article 31).									
5. 🗵	A copy of the International A	Application as filed [35 U.S.C. 371(c)(2	2)1								
	a. is attached hereto (required only if not communicated by the International Bureau).										
	b. has been communicated by the International Bureau.										
	c. is not required, as the application was filed in the United States Receiving Office (RO/US).										
6. [											
	b. has been previously su	ibmitted under 35 U.S.C. 154(d)(4).									
7.	Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].  a are attached hereto (required only if not communicated by the International Bureau).										
	b. have been communicated by the International Bureau.										
	c. have not been made; however, the time limit for making such amendments has NOT expired.										
	d. have not been made an		amonuments has 1401 expired.								
8.	1		des DCT Askista 10 (25 TT C C pp) (220)								
9. 🔀	An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(e)(3)].  An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].										
. —											
Items 1	AFRICIA SELSSI STILLS	on of the annexes of the International F 5)]. document(s) or information included	Preliminary Examination Report under PCT								
11. 🔲		atement under 37 CFR 1.97 and 1.98.									
12.	An assignment document for a is included.	recording. A separate cover sheet in co	ompliance with 37 CFR 3.28 and 3.31								
13. 🔀	A preliminary amondment.										
[4. 🔲	An Application Data Sheet un	der 37 CFR 1.76.									
15. 🔲	A substitute specification.										
16. 🔲	A power of attorney and/or ch	ange of address letter.									
17. 🔲			PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.								
18. 🔲	A second copy of the publishe	d International Application under 35 U	J.S.C.154(d)(4).								
19. 🔲	A second copy of the English	language translation of the internations	l application under 35 II S C 154(4)(4).								
20. 🔲	Other items or information:		DATE OF DEPOSIT CARDON								

U.S. APPLICATION NO. ( CPR 1.5)	INTERNATIONAL APPLICATION NO.			ATTORNEY'S DOCKET NUMBER					
		PCT/US2003/028363		21161YP					
The following fees are				CALCULATIONS	PTO USB ONL				
			\$300			\$300.00			
22. Examination fee If International preliminary of of PCT Article 33(1)-(4)			*****************************		\$100				
All other situations					· ·	\$100.00			
International Searching Auti International Search Report									
All other situations	\$100.00								
Additional fee for specific computer program listing to paper or fraction thereof.	\$500.00								
Total Sheets Extra Sh	Number thereof	or of each	h additional 50 or fraction up to a whole number)		RATE				
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	NUMBER FILE	D	NUMBER EXTRA		RATÉ				
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Independent Claims 3			0	X	\$200.00	\$0.00			
MULTIPLE DEPENDENT	CLAIM(S) (if appl	icable)		+	\$360.00				
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b. Please charge my Deposit Account No. 13-2755 in the amount of \$500.00 to cover the above fees.  A duplicate copy of this sheet is enclosed.									
c. The Commissions overpayment to the	er is hereby author he Deposit Accoun	ized to d t No. <u>13</u> .	harge any additional fees v 2755. A duplicate copy o	vhich : f this :	may be requi sheet is enclo	red, or credit any sed.			
NOTE: Where an appropr (b)] must be filed and grant	riste time limit un ted to restore the l	der 37 Ç Internat	FR 1.494 or 1.495 has no ional Application to pend	ot been	n met, a peti atus.	tion to revive [37 CFR	1.137(a) or		
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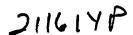
PHONE #: (732) 594-3462

DATE: March 1, 2005

Page 2 of 2

32,951

REGISTRATION NUMBER





#### United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Addres: COMMESSIONER FOR PATENTS P.O. Box 1450 Alexandria Verrinia 22313-1450 ever.uspto.gov

FILING OR 371 (c) DATE APPL NO. ART UNIT FIL FEE REC'D ATTY.DOCKET NO **DRAWINGS** TOT CLMS IND CLMS 10/526,280 03/01/2005 1615 300 21161YP 20 3

**CONFIRMATION NO. 8333** 

000210 MERCK AND CO., INC P O BOX 2000 RAHWAY, NJ 07065-0907

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Date Mailed: 09/14/2005

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon, If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filling Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

John S. Wai, Harleysville, PA:

Power of Attorney: The patent practitioners associated with Customer Number 000210.

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/US03/28363 09/10/2003 which claims benefit of 60/409,745 09/11/2002

Foreign Applications

SMALL ENTITY

Projected Publication Date: 12/15/2005

Non-Publication Request: No

Early Publication Request: No

Title

8-hydroxy-1-oxo-tetrahydropyrrolopyrazine compounds useful as hiv integrase inhibitors

**Preliminary Class** 

424

## PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process simplifies the filing of patent applications on the same invention in member countries, but does not result in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired,

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

# LICENSE FOR FOREIGN FILING UNDER Title 35, United States Code, Section 184 Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

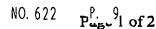
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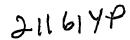
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matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).







# United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONES FOR PATENTS
Advandra, Viginia 22313-1450

LA. FILING DATE

09/10/2003

ATTY. DOCKET NO. FIRST NAMED APPLICANT U.S. APPLICATION NUMBER NO. John S. Wai 21161YP 10/526,280

INTERNATIONAL APPLICATION NO.

PCT/US03/28363

000210 MERCK AND CO., INC P O BOX 2000 RAHWAY, NJ 07065-0907

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**CONFIRMATION NO. 8333** 371 ACCEPTANCE LETTER 

PRIORITY DATE

09/11/2002

\*OC000000016974710\*

Date Mailed: 09/14/2005

## NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

03/01/2005

03/11/2005

DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS

DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. THE DATE APPEARING ON THE FILING RECEIPT AS THE "FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE. The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

Indication of Small Entity Status

- Copy of the International Application filed on 03/01/2005
- Copy of the International Search Report filed on 03/01/2005
- Preliminary Amendments filed on 03/01/2005
- Oath or Declaration filed on 03/01/2005
- Small Entity-Statement-filed on 03/01/2005
- U.S. Basic National Fees filed on 03/01/2005
- Priority Documents filed on 03/01/2005

NO. 622 P. 10 of 2

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

PATRICIA A BOOKER

Telephone: (703) 308-9140 EXT 204

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)